

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5098 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- SIMULTALLA District- Jamui

BACHCHU YADAV SON OF LATE HIRA YADAV VILLAGE-
KARIJHAL, PS. SIMULTALLA, DIST. JAMUI.

... .. Appellant/s

Versus

1. The State of Bihar
2. PHULWA DEVI W/O LATE SHALIGRAM PUJHAR VILLAGE-
KARIJHAL, PS. SIMULTALLA, DIST. JAMUI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 26.08.2023, passed in a case registered for the offence punishable under Sections 341, 323, 448, 307, 376, 511, 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. The prosecution case, in brief, is that on 24.06.2023, appellant entered the house of the informant and attempted to rape with the informant. When the informant protested, appellant assaulted the informant by means of axe on her head and also abused her by caste name.



4. It is submitted by learned counsel appearing on behalf of the appellant that appellant is innocent and has falsely been implicated in this case. Due to land dispute between the parties, this false and concocted case has been filed. The injury is found to be simple in nature. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out.

5. On the other hand, learned Spl.PP. appearing on behalf of the State and learned counsel appearing on behalf of the Respondent No. 2 have vehemently opposed the prayer for grant of bail to this appellant.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 26.08.2023 passed by the Court of learned Additional Sessions Judge- 1st , Jamui in connection with A.B.P. No. 1506 of 2023, arising out of Simultalla P.S. Case No. 63/2023 is hereby set aside with respect to this appellant only.

7. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with



two sureties of the like amount each to the satisfaction of Court
of learned Additional Sessions Judge- 1st, Jamui, in connection
with A.B.P. No. 1506 of 2023, arising out of Simultalla P.S.
Case No. 63/2023.

(Prabhat Kumar Singh, J)

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